

Remarks

The Office Action mailed August 8, 2008 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 4, 7-12, 16, 19-21, and 25 are now pending in this application. Claims 4, 5, 7-12, 16, 17, 19-21, and 25 stand rejected. Claims 5 and 17 have been canceled.

The rejection of Claims 4, 5, 7-12, 16, 17, 19-21, and 25 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

The Examiner asserts at page 2 of the Office Action that “[t]he claim(s) must positively recite the thing or product to which the process is tied, for example by identifying the apparatus that accomplishes the method steps , or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.” Applicant respectfully traverses this assertion, and submits that the claims of the present patent application are directed to transforming a plurality of reconstructed images into an error image. *See, Diamond, Comm’r of Patents v. Diehr and Lutton*, 209 USPQ 1, 7 (U.S. 1981).

Nonetheless, in order to expedite prosecution, Applicant has amended independent Claim 4 to recite a method for facilitating reconstruction of an image including “reconstructing an error image using the error-candidate projection . . . and outputting the reconstructed error image.” Applicant respectfully submits that a method including outputting a reconstructed error image is a useful process that does not become non-statutory simply because the claimed process uses a mathematical formula. *See, id.* at 8. Accordingly, Applicants submit that Claim 4, as amended, satisfies the requirements of 35 U.S.C. § 101.

Claim 5 has been canceled. Claims 7-12 depend from Claim 4. When the recitations of Claims 7-12 are considered in combination with the recitations of Claim 4, Applicant submits that Claims 7-12 likewise satisfy the requirements of Section 101.

Further, in order to expedite prosecution, Applicant has amended independent Claim 16 to recite a computer programmed to “reconstruct an error image using the

error-candidate projection . . . and output the reconstructed error image.” Applicant respectfully submits that computer configured to output a reconstructed error image is a useful process that does not become non-statutory simply because a computer is involved. *See, id.* at 6-7. Accordingly, Applicant submits that Claim 16, as amended, satisfies the requirements of 35 U.S.C. § 101.

Claim 17 has been canceled. Claims 19-21 depend from Claim 16. When the recitations of Claims 19-21 are considered in combination with the recitations of Claim 16, Applicant submits that Claims 19-21 likewise satisfy the requirements of Section 101.

Moreover, in order to expedite prosecution, Applicant has amended independent Claim 25 to recite a computed tomographic (CT) imaging system for reconstructing an image of an object including a computer configured to “reconstruct an error image using the error-candidate projection . . . and output the reconstructed error image.” Applicant respectfully submits that computer configured to output a reconstructed error image is a useful process that does not become non-statutory simply because a computer is involved. *See, id.* Accordingly, Applicant submits that Claim 25, as amended, satisfies the requirements of 35 U.S.C. § 101.

For at least the reasons set forth above, Applicant respectfully requests that the Section 101 rejection of Claims 4, 5, 7-12, 16, 17, 19-21, and 25 be withdrawn

The rejection of Claims 4, 7-12, 16, 19-21, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Mattson et al. (U.S. Pat. No. 5,229,934) (“Mattson”) in view of Snyder et al. (U.S. Pat. No. 5,923,775) (“Snyder”), Labaere et al. (U.S. Pat. No. 5,717,791) (“Labaere”) and Toth et al. (U.S. Pat. No. 6,115,487) (“Toth”), and further in view of Florent et al. (U.S. Pat. No. 5,594,845) (“Florent”) is respectfully traversed.

In the Office Action dated February 11, 2008, Claim 5 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent Claim 4 has been amended to include all the limitations of Claim 5, and Claim 5 has been canceled. Further, as discussed above, Claim 4 has been

amended to overcome the Section 101 rejection. Accordingly, Claim 4 is submitted to be in a condition for allowance.

Claims 7-12 depend from Claim 4, which is submitted to be in a condition for allowance. When the recitations of Claims 7-12 are considered in combination with the recitations of Claim 4, Applicant submits that Claims 7-12 likewise are in a condition for allowance. For at least the foregoing reasons Claims 4 and 7-12 are submitted to be patentable over the cited art.

In the Office Action dated February 11, 2008, Claim 17 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent Claim 16 has been amended to include all the limitations of Claim 17, and Claim 17 has been canceled. Further, as discussed above, Claim 17 has been amended overcome the Section 101 rejection. Accordingly, Claim 16 is submitted to be in a condition for allowance.

Claims 19-21 depend from Claim 16, which is submitted to be in a condition for allowance. When the recitations of Claims 19-21 are considered in combination with the recitations of Claim 16, Applicant submits that Claims 19-21 likewise are in a condition for allowance. For at least the foregoing reasons Claims 16 and 19-21 are submitted to be patentable over the cited art.

Claim 25 has been amended to recite similar limitations as amended Claims 4 and 16, which are submitted to be in a condition for allowance. Accordingly, Applicants respectfully submit that Claim 25 is therefore also in a condition for allowance.

Accordingly, Applicants respectfully request the rejections of Claims 4, 7-12, 16, 19-21, and 25 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Zychlewicz', with a horizontal line drawn through the middle of the signature.

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